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PATENTS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

**LAWRENCE TAMARKIN ET AL.**Serial No. **08/586,427**Filed: **JANUARY 16, 1996**For: **COMPOSITION AND METHOD FOR  
REDUCING TOXICITY OF  
OF BIOLOGICALLY-ACTIVE FACTORS**

APR 24 1996  
 RECEIVED  
 U.S. PATENT & TRADEMARK OFFICE

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**RESPONSE TO NOTICE OF IMPROPER FWC FILING  
UNDER 37 C.F.R. §1.62 - NO FILING DATE GRANTED**


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Assistant Commissioner for Patents  
Washington D.C. 20231

Dear Sir:

Responsive to the Notice of Improper FWC Filing Under 37 C.F.R. 1.62 - No Filing Date Granted, mailed February 23, 1996, Applicants respectfully request that this notice be withdrawn, and that the filing date of January 16, 1996, be granted, based on the following facts.

1) An Office Action was issued on July 14, 1995, in the prior application, U.S. Application Number 08/215,030. A Petition for Extension of Time Under 37 C.F.R. § 1.136 requesting a three month extension of time was filed on January 16, 1996. The six month response period, including the extension of time, ran through January 14, 1996, which date fell on a Sunday. The next available day for filing a response would typically fall on the following

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, DC 20231, on this 21st day of March, 1996.

Larry W. Stults

Larry W. Stults, Ph.D. - Reg. No. 34,025

Monday; however Monday, January 15, 1996, was a government holiday celebrating Martin Luther King, Jr.'s birthday. The next available day for filing a response fell on Tuesday, January 16, 1996.

2) Simultaneously with the Petition for Extension of Time, Applicants filed a File Wrapper Continuation Application. The application was assigned U.S. Application Number 08/586,427, and the return postcard was postmarked "January 16, 1996."

3) Pursuant to 37 C.F.R. §1.7, Applicant filed both a timely Petition for Extension of Time in the parent application and also timely filed a Request for File Wrapper Continuing Application.

Accordingly, applicants respectfully request that the notice be withdrawn and that the Commissioner grant the filing date of January 16, 1996.

Respectfully submitted,



By: Larry W. Stults, Ph.D.  
Reg. No. 34,025

JONES & ASKEW  
37th Floor  
191 Peachtree Street, N.E.  
Atlanta, Georgia 30303-1769  
(404) 818-3700  
Our Docket: 01994-0022